

Notice of Allowability	Application No.	Applicant(s)	
	10/826,943	COHEN, BERNARD H.	
	Examiner	Art Unit	
	Tania C. Courson	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed September 8, 2005.
2. The allowed claim(s) is/are 1, 3-8, 10-17, 19-27.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other Informal Examiner's Amendment.

INFORMAL EXAMINER'S AMENDMENT

1. An informal examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The following changes have been made to the application in order to clearly describe the incorrect status identifiers for claims 15, 20 and 21:

Claim 15:

- a) "(previously presented).", line 1, has been replaced with -- (Currently Amended) --.

Claim 20 and 21:

- a) "(Currently amended).", line 1, respectively, has been replaced with -- (New) --.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance for Claims 1, 3-8, 20, 21 and 26-27: The prior art does not disclose or suggest a method of isolating an areas of hairbearing skin including the steps of preparing a premeasured site and positioning hair restraining elements adjacent/at the periphery of the site in combination with the remaining limitations of the claims.

4. The following is an examiner's statement of reasons for allowance for Claims

10-15, the prior art does not disclose or suggest a device for measuring the cross-sectional area of uncut hair from a pre-measured area of hairbearing skin, said device including a plunger extending through a wall surface and having a "J" shaped end defined by a main leg portion extending through said wall surface and a hook leg portion, said two leg portions defining a hair receiving slot therebetween in combination with the remaining limitations of the claims.

5. The following is an examiner's statement of reasons for allowance for Claims 16-17, 19, 22-23 and 25: the prior art does not disclose or suggest a device for measuring the cross-sectional area of uncut hair from a pre-measured area of hair-bearing skin, said device including a compression spring associated with one of a body or an anvil and mechanically limited to place no more than a predetermined, precise amount of compressive force on variable-sized bundles of hair placed in a slot in combination with the remaining limitations of the claims.

6. The following is an examiner's statement of reasons for allowance for Claim 24: the prior art does not disclose or suggest a method of isolating a predetermined area of hair-bearing skin and measuring the combined cross-section of uncut hair within the area including providing a mechanical structure for moving a bottom of the slot against an anvil of the device with a precise predetermined compressive force in combination with the remaining limitations of the claims.

7. Any comments considered necessary by applicant must be submitted no later than

the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
September 19, 2005